

ORDINANCE NO. 3889

AN ORDINANCE OF THE CITY OF EDMONDS,
WASHINGTON, AMENDING THE PORTIONS OF CHAPTER
20.20 OF THE EDMONDS COMMUNITY DEVELOPMENT
CODE RELATED TO URBAN FARMING.

WHEREAS, RCW 36.71.090 makes it lawful for any farmer, gardener, other person, without license, to sell, deliver, or peddle any fruits, vegetables, berries, eggs, or any farm produce or edibles raised, gathered, produced, or manufactured by such person; and

WHEREAS, RCW 36.71.090 prohibits cities from passing or enforcing any ordinance prohibiting the sale by or requiring license from the producers and manufacturers of farm produce and edibles; and

WHEREAS, the Edmonds City Council wishes to ensure that the city's ordinances conform to state law; and

WHEREAS, it has been suggested that certain provisions in chapter 20.20 ECDC could be interpreted to conflict with state law;

NOW, THEREFORE,

THE CITY COUNCIL OF THE CITY OF EDMONDS, WASHINGTON, DO ORDAIN
AS FOLLOWS:

Section 1. Chapter 20.20 of the Edmonds Community Development Code, entitled "Home Occupations," is hereby amended to read as set forth in attachment A, which is attached hereto and incorporated herein by this reference as if set forth in full (new text is shown in underline; deleted text is shown in ~~strike-through~~).

Section 2. Severability. If any section, subsection, clause, sentence, or phrase of this ordinance should be held invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance.

Section 3. Effective Date. This ordinance, being an exercise of a power specifically delegated to the City legislative body, is not subject to referendum and shall take effect five (5) days after passage and publication of an approved summary thereof consisting of the title.

APPROVED:


MAYOR DAVID O. EARLING

ATTEST/AUTHENTICATED:


CITY CLERK, SANDRA S. CHASE

APPROVED AS TO FORM:
OFFICE OF THE CITY ATTORNEY:

BY 
JEFF TARADAY

FILED WITH THE CITY CLERK:	06/15/2012
PASSED BY THE CITY COUNCIL:	06/19/2012
PUBLISHED:	06/24/2012
EFFECTIVE DATE:	06/29/2012
ORDINANCE NO. <u>3889</u>	

SUMMARY OF ORDINANCE NO. 3889

of the City of Edmonds, Washington

On the 19th day of June, 2012, the City Council of the City of Edmonds, passed Ordinance No. 3889. A summary of the content of said ordinance, consisting of the title, provides as follows:

AN ORDINANCE OF THE CITY OF EDMONDS,
WASHINGTON, AMENDING THE PORTIONS OF
CHAPTER 20.20 OF THE EDMONDS COMMUNITY
DEVELOPMENT CODE RELATED TO URBAN
FARMING.

The full text of this Ordinance will be mailed upon request.

DATED this 20th day of June, 2012.


CITY CLERK, SANDRA S. CHASE

Chapter 20.20 HOME OCCUPATIONS

Sections:

- 20.20.000 Purpose.
- 20.20.010 Home occupation.
- 20.20.020 General regulation.
- 20.20.030 Permit.

20.20.000 Purpose.

A home occupation is generally an economic enterprise operated within a dwelling unit, or buildings accessory to the dwelling unit which are incidental and secondary to the residential use of the dwelling unit, including the use of the dwelling unit as a business address in the phone directory or as a post office mailing address. The purpose of this chapter is to allow residents to carry on home occupations on their property while guaranteeing neighboring residents freedom from excessive noise, excessive traffic, nuisance, fire hazard and other possible potential negative impacts from the maintenance of a commercial use within a residential neighborhood. The purpose of this chapter is to permit two types of home use occupations while prohibiting other commercial uses in residential neighborhoods. Commercial enterprises employing only the residents of a structure which are operated entirely within the structure are intended to be permitted activities. The city's community sustainability element of the comprehensive plan encourages local business and reductions in the city's overall greenhouse gas emissions, so this chapter seeks to encourage home-based work and business activities while preserving the character of residentially zoned neighborhoods by limiting the number of customers and employees permitted to visit the home occupation. [Ord. 3840 § 1, 2011].

20.20.010 Home occupation.

A home occupation may be conducted as a permitted secondary use in any residential zone of the city subject to the following regulations:

A. A home occupation shall be a permitted use if it:

1. Is carried on exclusively by a family member residing in the dwelling unit; and
2. Is conducted entirely within the structures on the site, without any significant outdoor activity; and
3. Uses no heavy equipment, power tools or power sources not common to a residence; and
4. Has no pickup or delivery by business related commercial vehicles which exceeds 20,000 pounds gross vehicle weight (except for the U.S. mail and standard UPS/FedEx sized delivery vehicles); and

5. Creates no noise, dust, glare, vibration, odor, smoke or other impact adverse to a residential area beyond that normally associated with residential use; and
6. Does not include any employees outside of the family members residing at the residence, including but not limited to persons working at or visiting the subject property; and
7. Complies with all performance criteria established pursuant to ECDC 17.60.010; and
8. Does not park or store more than one commercial vehicle or any commercial vehicle over 10,000 pounds licensed gross vehicle weight per dwelling unit pursuant to ECDC 17.50.100.

B. A home occupation which does not meet one or more of the requirements of subsection (A) of this section may be approved as a staff approval (Type II decision) if the home occupation will not harm the character of the surrounding neighborhood as evidenced by meeting all of the following criteria:

1. The temporary and permanent keeping of animals associated with a home occupation must comply with all provisions of Chapter 5.05 ECC, Animal Control, and ECDC Title 16; and
2. The home occupation will not include storage, display of goods, building materials and/or the operation of building machinery, commercial vehicles or other tools, unless it meets all of the following criteria:
 - a. Is wholly enclosed within a structure or building;
 - b. Does not emit noise, odor or heat; and
 - c. Does not create glare or emit light from the site in violation of the city's performance criteria; and
3. Does not create a condition which injures or endangers the comfort, or pose health or safety threats to persons on abutting properties or streets; and
4. Does not include visits to the site from more than one nonresident employee per day; and
5. Does not include visits from customers in excess of one vehicle per hour; and
6. Does not include visits from customers between the hours of 9:00 p.m. and 8:00 a.m.; and
7. If visits to the site are to be made by either an off-site employee or customer, on-site parking shall be provided for at least three vehicles; and
8. No parking or storage is provided for more than one commercial vehicle or any commercial vehicle over 10,000 pounds licensed gross vehicle weight per dwelling unit pursuant to ECDC 17.50.100.

C. Urban Farming.

1. "Urban farming" is defined as the display or sale of edible farm products or fresh produce grown on-site.
2. A home occupation for urban farming not meeting the criteria of subsection (A) of this section ~~may be approved as a Type II decision~~ is a permitted secondary use in all residential zones if it meets all of the criteria contained in subsection (B) of this section, except that:
 - a. Subsection (B)(5) of this section does not apply. An applicant for a home occupation for the sale of on-site farm products or produce shall be required to submit a written statement indicating compliance with the applicable criteria of ECDC 20.20.010(B) accompanied by a site plan showing how any visitors to the site can be accommodated without creating a traffic hazard or nuisance to adjoining properties.
 - b. The general prohibition of the display of goods and requiring the business to be wholly enclosed within a building in subsection (B)(2) of this section do not apply to the display or sale of edible farm products or produce, so long as the display is removed during nonoperating hours.

D. Artist Studio.

1. An "artist studio" is defined as the display or sale of hand-made products (artwork) that are produced on-site. Items or artwork created off-site are not included in this definition.
2. A home occupation for an artist studio not meeting the criteria of subsection (A) of this section may be permitted as a Type II decision if it meets all of the criteria contained in subsection (B) of this section, except that:
 - a. Subsection (B)(5) of this section does not apply. An applicant for a home occupation for an artist studio shall be required to submit a site plan showing how any visitors to the site can be accommodated without creating a traffic hazard or nuisance to adjoining properties.
 - b. The display or sale of hand-made artwork shall remain completely enclosed within a building pursuant to subsection (A)(2) of this section. [Ord. 3840 § 1, 2011].

20.20.020 General regulation.

A. Sale or Display of Goods. No goods shall be sold or rendered on the premises except instructional materials pertinent to the home occupation (e.g., music books), or as described above in ECDC 20.20.010(C) for urban farming or ECDC 20.20.010(D) for artist studio. Display or storage of goods outside the premises or in the window thereof is prohibited, except related to an urban farming

display located entirely on the subject property. Such farm or produce display shall be removed during the hours it is not in operation.

B. Signs. A sign is permitted in conjunction with a home occupation approval and shall not exceed four square feet in size. The sign area shall be calculated as part of, not in addition to, the total sign area permitted on the site. A building permit and a Type II conditional use permit are required for any proposed commercial signage in a residential zone. These permits are not required for a sign on a display utilized for the sale of produce associated with an urban farm as provided for in ECDC 20.20.010(C)(2)(b).

C. Reasons for Denial. A home occupation is a special exception to the zoning ordinance and the applicant has the burden of persuasion that he/she comes within the stated purposes and criteria of this chapter. The following are among common reasons for denial but are not intended to be exclusive:

1. The on-street or on-site parking of trucks or other types of equipment associated with the home occupation;
2. The littered, unkempt and otherwise poorly maintained condition of the dwelling site;
3. Visits to the site are made by more than one vehicle per hour, such as a contractor or business operation that includes multiple employees meeting at the site to collect materials or equipment that will be used at another location;
4. Noncompliance with the criteria of this chapter or conditions of approval or other provisions of city ordinance; and/or
5. The proposal cannot be conditioned in order to meet the criteria and findings of the chapter. [Ord. 3840 § 1, 2011].

20.20.030 Permit.

All permits for home occupations are personal to the applicant and shall not be transferred or otherwise assigned to any other person. The permit will automatically expire when the applicant named on the permit application moves from the site. The home occupation shall also automatically expire if the permittee fails to maintain a valid business license or the business license is suspended or revoked. The home occupation shall not be transferred to any site other than that described on the application form. [Ord. 3840 § 1, 2011].

Affidavit of Publication

STATE OF WASHINGTON,
COUNTY OF SNOHOMISH

} S.S.

SUMMARY OF ORDINANCE NO. 3889

of the City of Edmonds, Washington.
On the 19th day of June, 2012, the City Council of the City of Edmonds, passed Ordinance No. 3889. A summary of the content of said ordinance, consisting of the title, provides as follows:
AN ORDINANCE OF THE CITY OF EDMONDS, WASHINGTON, AMENDING THE PORTIONS OF CHAPTER 20.20 OF THE EDMONDS COMMUNITY DEVELOPMENT CODE RELATED TO URBAN FARMING.
The full text of this Ordinance will be mailed upon request.
DATED this 20th day of June, 2012.

CITY CLERK, SANDRA S. CHASE

Published: June 24, 2012.

The undersigned, being first duly sworn on oath deposes and says that she is Principal Clerk of THE HERALD, a daily newspaper printed and published in the City of Everett, County of Snohomish, and State of Washington; that said newspaper is a newspaper of general circulation in said County and State; that said newspaper has been approved as a legal newspaper by order of the Superior Court of Snohomish County and that the notice

Summary of Ordinance No. 3889

a printed copy of which is hereunto attached, was published in said newspaper proper and not in supplement form, in the regular and entire edition of said paper on the following days and times, namely:

June 24, 2012

and that said newspaper was regularly distributed to its subscribers during all of said period.

Karen E. Zorn

Principal Clerk

Subscribed and sworn to before me this

25th

day of June, 2012

Diana L. Hendrix

Notary Public in and for the State of Washington, residing at Everett, Snohomish County.

